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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/687,964	10/20/2003	Lazaro Dorian	14650.0001	8641
7590 02/23/2005			EXAMINER	
STEPTOE & JOHNSON LLP 1330 Connecticut Avenue, NW Washington, DC 20036-1795			MAI, TRI M	
			ART UNIT	PAPER NUMBER
			3727	
DATE MAILED: 02/23/2005				

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/687,964

Applicant(s)

DORIAN, LAZARO

Examiner

Tri M. Mai

Art Unit

3727

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-13 and 29 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-13, 29 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date ____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: ____.

DETAILED ACTION

1. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the plurality of protrusions in the first portion must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

It is unclear where are portions 3, and 7 in Fig. 8.

It is unclear where is portion 6 in Fig. 3.

Applicant is required to provide new drawings showing the distinction between the strap and the two portions in Fig. 2.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will be held in abeyance.

Art Unit: 3727

2. Claims 1-13, and 29 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. It is unclear how the strap is connected to the two portions and encircles the container.

3. Claims 1-9 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Regarding claim 1, it is unclear what being releasably engageable with the item of clothing.

Regarding claim 9, the bridging member 6 does not look like a circular plate.

Regarding claim 10, it seems that the decorative logo is the same as the first portion.

This is a double inclusion.

4. Claims 1-6, and 8-9 are rejected under 35 U.S.C. 102(b) as being anticipated by Green (5301857). Green teaches a first portion 26 engageable with the container and a second portion 16 fixed to the first portion and being releasably engageable with the item of clothing.

Regarding claim 2, the recess at 13 engages with protrusions 16 as claimed.

Regarding claim 3, the resilient of portion 26 would snap into the container's neck when the apparatus is slipped over the container's upper portion.

Regarding claims 8-9, portion 12 is the circular bridging member plate.

Art Unit: 3727

5. Claims 1-6, and 8-9 are rejected under 35 U.S.C. 102(b) as being anticipated by Ragner et al. (6264153). Ragner teaches a first portion 121 engageable with the container and a second portion 122 fixed to the first portion and being releasably engageable with the item of clothing.

Regarding claim 2, the recess at 13 engages with protrusions 16 as claimed.

Regarding claim 3, the resilient of portion 26 would snap into the container's neck when the apparatus is slipped over the container's upper portion.

Regarding claims 8-9, portion 123 is the circular bridging member plate.

6. Claim 7 are rejected under 35 U.S.C. 103(a) as being unpatentable over either Green or Ragner in view of Walters (6247623). To the degree it is argued that the clip in either Green or Ragner are not spring biased. It would have been obvious to one of ordinary skill in the art to provide a spring-biased clip in either Green or Ragner as taught by Walters to provide an alternative clip.

7. Claim 29 is rejected under 35 U.S.C. 103(a) as being unpatentable over Green (5301857) or Ragner. Official Notice is taken that it is known to provide a holder from PET. It would have been obvious to one of ordinary skill in the art to provide to make the apparatus in either Green or Ragner from PET material to provide the desired material for the apparatus.

8. Claims 1, 8, 10, and 11 are rejected under 35 U.S.C. 102(b) as being anticipated by Neugent (5040709). Neugent teaches an apparatus having a first portion 45, second portion 32 and a strap 56.

9. Claims 12 and 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Neugent in view of Lucia (4848624). As best understood view of the 112 matters above, it would

Art Unit: 3727

have been obvious to one of ordinary skill in the art to provide to provide the logo in Neugent as taught by Lucia to advertise the product.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tri M. Mai whose telephone number is (571)272-4541. The examiner can normally be reached on 7:30am-5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lee W Young can be reached on (571)272-4549. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Tri M. Mai
Primary Examiner
Art Unit 3727

